

Remarks

Claims 1-4 are pending in the application as original filed. New claims 5 and 6 are presented to cover embodiments for which protection is desired. As support for new claims 5 and 6 is provided for be the specification and drawing as originally filed, no new matter has been entered. Accordingly, claims 1-6 are pending in this application.

Claim Rejections - 35 USC § 102

In the current Office Action, claims 1 and 4 have been rejected under 35 U.S.C. 102(b) as being anticipated by Stollenwerk (US 4,921,295). This rejection is respectfully traverse in view of the following comments.

As the Examiner is well aware, to anticipate, every element and limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim. *Karsten Mfg. Corp. v. Cleveland Golf Co.*, 242 F3d 1376, 1383, 58 U.S.P.Q.2d 1286, 1291 (Fed. Cir. 2001); *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991). Further, the reference must describe the Applicant's claimed invention sufficiently to place a person of ordinary skill in the field of the invention in possession of it. *Akzo N.V. v. United States Int'l Trade Comm'n*, 808 F.2d 1471, 1479, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986), *cert denied*, 482 U.S. 909 (1987); *In re Coker*, 463 F.2d 1344, 1348, 175 U.S.P.Q. 26, 29 (CCPA 1972).

Claim 1 recites, *inter alia*, the limitation "a touch bar disposed in front of said collapsible legs whereby engagement of the touch bar against a platform deactivates the linkage and enables the collapsible legs to be collapsed on release of the other of said safety and said leg release."

Claim 4, recites, *inter alia*, the limitation "operating a touch bar by urging the roll-in cot into the platform wherein movement of the touch bar relative to the frame disengages a linkage and permits collapsible legs on the cot to collapse, and moving the roll-in cot onto the platform."

Unlike it has been asserted by the Examiner, the Applicants respectfully submit that Stollenwerk fails to disclose the claimed touch bar. More specifically, Stollenwerk fails to teach or suggest a touch bar that when engaged against a platform deactivates a linkage and permits collapsible legs on a cot to collapse. In addition, nowhere in Stollenwerk is a touch bar disposed in front of the collapsible legs disclosed.

The supporting rods 50 of Stollenwerk to which the Examiner points to as the recited "touch bar" are not utilized actively to deactivate a linkage, but only passively as support rods to swivel the legs up to the frame (col. 7 lines 20-22) when pushed against a platform. The support rods 50 are utilized merely to make first contact with the platform. More specifically, Stollenwerk uses only a lever and not a touch bar to release the arresting means, which includes a rod 55 and a locking hook 58 in mechanical communication with sliding members 52 and 56 (col. 5 lines 43-57). Once the lever is pulled and the arresting means are released, the cot is no longer supported by the front collapsible legs as explicitly disclosed at col. 7 lines 1-7. Accordingly, unlike the recited invention of the claims, the release arrangement of Stollenwerk may cause early collapse of the cot and subsequent injury. Stated further, because the roll-in cot disclosed in Stollenwerk does not utilize a touch bar that allows for the legs to collapse only after engaging the lever and upon contact between the touch bar and a platform, the roll-in cot does not prevent unintentional or early operation of the handle from collapsing the legs of the cot. Therefore, supporting rods 50 are utilized only to swivel the front legs 24 and not as a touch bar to disengage a linkage and collapse the legs of the cot.

It is therefore submitted that the presently claimed roll-in cot and method of loading a roll-in cot onto a platform is not anticipated by Stollenwerk because Stollenwerk does not teach or suggest a the use of a touch bar as recited by the claims. Withdrawal of this rejection is respectfully requested.

Claim Rejections - 35 USC § 103

In current Office Action, claims 2-3 have been rejected under 35 U.S.C. 103(a) as being obvious over Du-Bois (US 5,509,159) in view Stollenwerk. This rejection is also respectfully traversed.

References relied upon to support a rejection under 35 U.S.C. §103 must provide an enabling disclosure, i.e., they must place the claimed invention in the possession of the public. *In re Payne*, 203 U.S.P.Q. 245 (CCPA 1979). Furthermore, to establish prima facie obviousness of the claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). Moreover, when a "whereby" clause states a condition that is material to patentability, it cannot be ignored in order to change the

substance of the invention. *Hoffer v. Microsoft Corp.*, 405 F.3d 1326, 1329, 74 USPQ2d 1481, 1483 (Fed. Cir. 2005).

Claim 2 recites, *inter alia*, the limitation "a touch bar disposed in front of the trailing collapsible legs whereby engagement of the touch bar against platform withdraws the stop from abutment with the pawl and releases the trailing collapsible legs."

Claim 3 recites, *inter alia*, the limitation "a touch bar disposed adjacent load wheels whereby engagement of the touch bar against platform deactivates the safety wherein the release assembly requires both the leg release and the safety to be deactivated for the leading pair of collapsible legs to be collapsed."

The Examiner conceded that Du-Bois fails to disclose a touch bar disposed in front of the trailing collapsible legs. The Examiner asserted that Du-Bois discloses a roll-in cot having a patient support attached to a wheeled transporter wherein the wheeled transporter comprises leading and trailing collapsible legs (23,31) having respective proximal ends pivotally connected to a frame and distal ends including wheels wherein the trailing collapsible legs are operable from a locked condition by a release assembly comprising a safety defined by a ratchet mechanism 61 and a leg release wherein said leg release comprises a handle (53, 54) connected to a pawl 64 (col. 4 lines 20-44), wherein in an activated condition the pawl abuts a stop defined by teeth of a cog wheel 63 said stop is disposed on the safety (Fig. 8). The Examiner further asserted that it would have been obvious for one having ordinary skill in the art at the time of the invention to employ a touch bar as taught by Stollenwerk in order to provide an alternative release for the safety of the release assembly. Such assertions are incorrect.

The deficiencies of Du-Bois are not overcome with the combination of Stollenwerk because neither reference teaches or suggests a touch bar as recited by the claims. Du-Bois discloses an undercarriage for stretchers that utilizes a stopping means that includes a tie means, pawl and a ratchet arrangement (col. 4 lines 20-42). However, Du-Bois does not disclose the use of a touch bar but instead discloses releasing the pawl and subsequently the legs by the use of a hand control such as a bicycle-type handle. Moreover, Du-Bois alone or in combination with Stollenwerk, fail to teach or suggest a roll-in cot whereby the engagement of a touch bar against a platform releases the collapsible legs of the cot. For the same reasons discussed above, Stollenwerk does not teach or suggest the use of a touch bar as recited by the claims. The support rods disclosed in Stollenwerk are used for swiveling the legs up to the frame and are not

used to withdraw a stop to release the collapsible legs (col. 7 lines 20-22). As a result, the resulting combination from the teachings of Du-Bois and Stollenwerk, would be basically the same cot as disclosed by Du-Bois except for the support rods of Stollenwerk. Such is not the recited invention of the claims, nor does such a combination place the claimed invention in the possession of the public.

It is therefore submitted that the presently claimed roll-in cot, as defined in claims 2 and 3, is nonobvious over and patentably distinguishable from Du-Bois in view of Stollenwerk. Withdrawal of this rejection is respectfully requested.

New claims

Claim 5 recites, *inter alia*, that "the touch bar is configured to deactivate the activate condition of the linkage and enable the trailing collapsible legs to be collapsed upon engagement of the touch bar against the platform and operation of the hand actuator." In view of the cited prior art and the comments provided above, new claims 5 and 6 are believed nonobvious and patentably distinguishable. Allowance thereof is thus respectfully requested.

Conclusion

In view of the above amendments and remarks, Applicants respectfully submit that the present application is in condition for allowance. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,
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